

## AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): Taylor et al.

Docket No.

18810-82302

#  
5-1  
82

P.2.

Serial No.  
09/898,779Filing Date  
July 3, 2001Examiner  
Goldberg, J. A.Group Art Unit  
1655

Invention: GENETIC TEST TO DETERMINE NON-RESPONSIVENESS TO STATIN DRUG TREATMENT

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

TECH CENTER 1600/2900

Transmitted herewith is an amendment in the above-identified application.

- Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.

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The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	31 -	18 =	13 x	\$9.00	\$117.00
INDEP. CLAIMS	16 -	18 =	0 x	\$42.00	\$0.00
Multiple Dependent Claims (check if applicable)					\$0.00
					TOTAL ADDITIONAL FEE FOR THIS AMENDMENT
					\$117.00

- No additional fee is required for amendment.
- Please charge Deposit Account No. 50-1597 in the amount of \$117.00  
A duplicate copy of this sheet is enclosed.
- A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1597  
A duplicate copy of this sheet is enclosed.
- Any additional filing fees required under 37 C.F.R. 1.16.
- Any patent application processing fees under 37 CFR 1.17.

Dated: April 25, 2002

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44-2002-10000000  
501597  
09898777

I certify that this document and fee is being deposited on 04/25/02 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Ann Weiss

Typed or Printed Name of Person Mailing Correspondence

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Terminal Disclaimer To Obviate A Double  
Patenting Rejection Over A Prior Patent

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In Re Application Of: Taylor et al.

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Owner of Record: CEDARS-SINAI MEDICAL CENTER

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,297,014 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

  
Signature

Dated: April 25, 2002

Nisan A. Steinberg, Ph.D., Reg. # 40,345

Typed or Printed Name

- Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.  
 PTO suggested wording for terminal disclaimer was unchanged.  
 Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.